

Serial No. 09/877,628

- 3 -

50103sh

REMARKS

By this amendment, the limitations of claim 2 have been moved into claim 1, and claim 2 has been canceled, leaving claims 1, 3 and 4 now pending in this application.

All of the claims were rejected under 35 U.S.C. §102(b) over Tullis ('314). Anticipation may be established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Systems, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation requires the presence of all elements of a claimed invention as arranged in the claim, such that a disclosure "that 'almost' meets that standard does not 'anticipate'." Connell v. Sears, Roebuck Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

In this case, Tullis does not teach what the Examiner seems to think it does. As per now canceled claim 2, the Examiner argues that Tullis teaches enhancement information stored at the location of the recipient, citing column 14, lines 24-37 of the prior-art reference. However, this passage from the '314 patent simply talks about conversion, without any teaching or suggestion of enhancement information being stored at the location of a recipient. Indeed, "voice information will be preserved as voice information while image information will be preserved as image information." Thus, anticipation is precluded. As per claim 3, Tullis neither teaches nor suggests enhancement information enabling a recipient to visualize a sender or listen to the content of a message, nor does Tullis et al. teach or suggest phonemes enabling a recipient to listen to the content of a message in the synthesized voice of the sender. Indeed, the term "phoneme" is nowhere to be found in this piece of prior art.

Based upon the foregoing amendments and comments, Applicant believes all claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

BEST AVAILABLE COPY

Serial No. 09/877,628

- 4 -

50103sh

Respectfully submitted,

By: 

John G. Posa

Reg. No. 37,424

Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, PC

PO Box 7021

Troy, MI 48007-7021

(734) 913-9300 FAX (734) 913-6007

Email: [jposa@patlaw.com](mailto:jposa@patlaw.com)

Dated: March 1, 2005

BEST AVAILABLE COPY